

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 11-cr-22-JD

Jose Reyes

O R D E R

Jose Reyes has been indicted on charges of conspiracy to distribute and possess with intent to distribute cocaine and oxycodone, distribution of cocaine, and aiding and abetting the distribution of cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 846. He moves to suppress an out of court identification made by Laurie Bohan, a potential government witness. The government argues that although Bohan's identification of Reyes was constitutional, it does not intend to call Bohan as a witness and therefore will not introduce her identification of Reyes at trial. Because the government will not call Bohan as a witness and will not introduce her identification of Reyes at trial, Reyes's motion to suppress is moot.

Conclusion

For the foregoing reasons, Reyes's motion to suppress Bohan's out of court identification (doc. no. 33) is denied as

moot. The government shall instruct its witnesses to refrain from mentioning Bohan's identification of Reyes.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

May 16, 2012

cc: Paul J. Garrity, Esquire  
Terry L. Ollila, Esquire